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EXAMINER

JONES, HEATHER RAE

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 8-11, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Suito et al. (U.S. Patent 6,925,340).

Regarding claim 1, Suito et al. discloses a method for audio content playback during video trick mode playback, comprising: reading a coded digital data from a storage medium, the coded digital data comprising a video programming and corresponding audio programming; decoding from a portion of the digital data comprising the audio programming a plurality of digital audio samples corresponding to a selected portion of the video programming; and key shifting a playback audio pitch associated with the audio samples to compensate for the trick mode playback (col. 7, lines 31-46).

Regarding claim 2, Suito discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing the method further comprises dropping selected ones of the audio samples at a rate approximately

corresponding to a selected trick mode video playback speed of the video programming; and generating an audio playback signal corresponding only to a remaining set of the audio samples (abstract).

Regarding claim 8, Suito discloses all the limitations as previously discussed with respect to claim 1 including that the storage medium is selected from a group consisting of a DVD, a magnetic hard disk, magneto optical disk and a video CD (as can be seen from Fig. 1).

Regarding claim 9, Suito discloses all the limitations as previously discussed with respect to claim 1 including that the coded digital data is an MPEG format and the reading step further comprises decoding an MPEG bit stream to obtain said audio samples (col. 5, lines 53-60).

Regarding claims 10, 11, 17, and 18, these are apparatus claims corresponding to the method claims 1, 2, 8, and 9. Therefore, claims 10, 11, 17, and 18 are analyzed and rejected as previously discussed with respect to claims 1, 2, 8, and 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suito et al. as applied to claims 1 and 10 above, and further in view of Shimura (U.S. Patent 6,658,197).

Regarding claims 5, Suito discloses all the limitations as previously discussed with respect to claim 1, but fails to further disclose the method comprising repeating selected ones of the audio samples at a rate inversely proportional to a selected trick mode video playback speed of said video programming to produce a trick mode set of audio samples, and generating an audio playback signal corresponding to said trick mode set of the audio samples.

Referring to the Shimura reference, Shimura discloses a method comprising repeating selected ones of the audio samples at a rate inversely proportional to a selected trick mode video playback speed of said video programming to produce a trick mode set of audio samples, and generating an audio playback signal corresponding to said trick mode set of the audio samples (Fig. 4; col. 5, lines 33-50; col. 6, lines 29-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the feature of having better quality sound at a lower speed as disclosed by Shimura to the device disclosed by Suito in order to provide a user with a device that provides a quality sound at a higher or lower speed (during trick play).

Regarding claims 6 and 3, Suito in view of Shimura discloses all the limitations as previously discussed with respect to claims 2 and 5 including that

the audio samples are repeated $1/n$ times, where n is equal to the selected trick mode playback speed relative to a normal playback speed as well as the audio samples are dropped at a rate of every n samples, where n is equal to the selected trick mode playback speed relative to a normal playback speed. (See Shimura: Fig. 4; col. 7, lines 29-32 – the inverse proportions are being used accordingly for faster and lower speeds than normal).

Regarding claims 7 and 4, Suito in view of Shimura discloses all the limitations as previously discussed with respect to claims 2, 3, 5, and 6 including that the key shifting step further comprises shifting the playback audio pitch by a multiplying factor of approximately $1/n$ as well as the key shifting step further comprises shifting said playback audio pitch by a factor of approximately $1/n$ (Shimura: Fig. 4; col. 7, lines 29-32; Suito: col. 7, line 31 – col. 8, line 8 – the frequency the pitch go hand in hand).

Regarding claims 12-16, these are apparatus claims corresponding to the method claims 3-7. Therefore, claims 12-16 are analyzed and rejected as previously discussed with respect to claims 3-7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

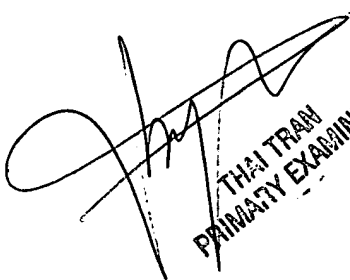
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
June 26, 2006



THAI TRAN
PRIMARY EXAMINER